

**UNITED STATES COURT OF APPEALS**

**AUG 17 2000**

**TENTH CIRCUIT**

**PATRICK FISHER**  
Clerk

MICHAEL JULIUS ZAMBRANO,

Plaintiff - Appellant,  
vs.

JOE WILLIAMS, Warden, Lea County  
Correctional Facility; GARY  
JOHNSON, Governor, State of New  
Mexico; ROBERT PERRY, Secretary  
of Corrections; NEW MEXICO  
CORRECTIONS DEPARTMENT,  
State of New Mexico; WACKENHUT  
CORRECTIONS CORPORATION, A  
Florida Corporation; LEA COUNTY,  
NEW MEXICO; ATTORNEY  
GENERAL FOR THE STATE OF  
NEW MEXICO,

Defendants - Appellees.

No. 00-2129  
(D.C. No. CIV-00-199-JC)  
(D.N.M)

**ORDER AND JUDGMENT\***

Before **BRORBY, KELLY, and MURPHY**, Circuit Judges.\*\*

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

\*\* After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1 (G). The cause is therefore ordered submitted without oral argument.

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The facts and issues in this case are identical to those in Rael v. Williams, No. 00-2145, 2000 WL 1050091 (10th Cir. July 31, 2000). Thus, our decision is governed by the analysis and conclusions therein.

Accordingly, we GRANT a certificate of appealability, and AFFIRM the judgment of the district court as modified to dismiss the claim cognizable under § 2241 with prejudice; all other claims contained in the petition are dismissed without prejudice.

Entered for the Court

Paul J. Kelly, Jr.  
Circuit Judge